



General Assembly

January Session, 2015

Committee Bill No. 5092

LCO No. 3288



* 0 3 2 8 8 H B 0 5 0 9 2 P D *

Referred to Committee on PLANNING AND DEVELOPMENT

Introduced by:
(PD)

***AN ACT CONCERNING THE DISCONTINUANCE OF HIGHWAYS AND
PRIVATE WAYS BY MUNICIPALITIES.***

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 13a-49 of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective October 1, 2015, and*
3 *applicable to discontinuances or partial discontinuances considered on or after*
4 *said date*):

5 (a) (1) The selectmen of any town may, subject to approval by a
6 majority vote at any regular or special town meeting, by a writing
7 signed by them, discontinue any highway or private way, or land
8 dedicated as such, in its entirety, or may discontinue any [portion] part
9 thereof or any property right of the town or public therein, except
10 when laid out by a court or the General Assembly, and except where
11 such highway is within a city, or within a borough having control of
12 highways within its limits.

13 (2) Whenever the selectmen of a town meet to act on the
14 discontinuance or partial discontinuance of a highway or private way,
15 or land dedicated as such, the selectmen shall provide written notice of

16 their meeting to each owner of property that bounds the highway or
17 private way, or land dedicated as such. Such notice shall be provided
18 by mailing a notice of the date, time, place and subject of such meeting
19 of the selectmen to such owner at such owner's address, as shown on
20 the last-completed grand list of the town, by first class mail,
21 postmarked at least fifteen days prior to the date of such meeting. If, in
22 the opinion of the selectmen, the boundary lines or limits of such
23 highway or private way, or land dedicated as such, have become lost
24 or uncertain, the selectmen shall make reasonable efforts to identify the
25 boundary lines or limits of such highway or private way, or land
26 dedicated as such, and shall give notice of such meeting to each owner
27 of property that bounds such identified boundary line or limit in
28 accordance with this subdivision. Such reasonable efforts need not
29 include an examination of title or abstracts thereof or a land survey.

30 (3) If the selectmen vote to discontinue or partially discontinue the
31 highway or private way, or land dedicated as such, and such
32 discontinuance or partial discontinuance is approved by a majority
33 vote at any regular or special town meeting held on or after October 1,
34 2015, the selectmen shall cause to be recorded on the land records of
35 the town a notice of such discontinuance or partial discontinuance,
36 which notice shall include (A) a listing of each parcel of property
37 identified pursuant to subdivision (2) of this subsection to bound (i)
38 such highway or private way, or land dedicated as such, or (ii) such
39 identified boundary line or limit, and (B) the name of the owner of
40 each such parcel of property as shown in the last-completed grand list
41 of the town.

42 [Any] (4) (A) Except as provided in subparagraph (B) of this
43 subdivision, any person aggrieved by a discontinuance or partial
44 discontinuance under this subsection may [be relieved by application]
45 apply to the [Superior Court, to be made and proceeded with in the
46 manner prescribed in section 13a-62] superior court for the judicial
47 district in which such town is located.

48 (B) Any owner of property who is aggrieved by the failure to
 49 receive the meeting notice required under subdivision (2) of this
 50 subsection may apply to the superior court not later than twenty-four
 51 months after notice of approval is recorded on the land records of the
 52 town pursuant to subdivision (3) of this subsection. No discontinuance
 53 or partial discontinuance shall be invalidated on the basis of the
 54 selectmen's failure to provide the meeting notice required under
 55 subdivision (2) of this subsection to an owner of property if the town
 56 establishes that (i) a meeting notice that meets the requirements of
 57 subdivision (2) of this subsection was mailed to such owner's address,
 58 as shown in the applicable last-completed grand list of the town, or (ii)
 59 the selectmen made a good faith effort to identify the parcels of
 60 property that bound the highway or private way, or land dedicated as
 61 such, or such identified boundary line or limit, in accordance with
 62 subdivision (2) of this subsection, and mailed notice to each owner of
 63 such identified parcels of property, as shown in the applicable last-
 64 completed grand list of the town.

65 (b) Whenever a petition has been presented to the selectmen for
 66 such discontinuance or partial discontinuance of any land dedicated as
 67 a highway or private way but which has not been actually used,
 68 worked or accepted [,] as a highway [,] by the town, and such
 69 discontinuance or partial discontinuance has not been made by the
 70 selectmen and approved by the town within twelve months after such
 71 presentation, any person aggrieved may [be relieved by application]
 72 apply to said court [, to be made and proceeded with] in the manner
 73 prescribed in section 13a-62.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2015, and applicable to discontinuances or partial discontinuances considered on or after said date</i>	13a-49

Statement of Purpose:

To require town selectmen to notify abutting property owners when the selectmen propose to discontinue all or part of a highway or private way, or land dedicated for such use.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]

Co-Sponsors: REP. ORANGE, 48th Dist.

H.B. 5092